



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/172,665

10/15/1998

WATURA ITO

2091-0169P-S

9578

7590

08/03/2004

BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
----------	--------------

2615

17

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/172,665

Applicant(s)

ITO, WATURA

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-11 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-11 and 14-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2615

Examination of this application will be conducted by Brian Genco. Applicant's amendment filed April 27, 2004 has been fully considered by the Examiner.

Applicant's arguments are moot in view of the new grounds of rejection presented herein bellow.

Examiner's Notes

The official notice presented in Paper No. 7 stating that it is well known in the art for a color transformation means for converting the digital image signal into an 8-bit digital image signal for the digital camera was not traversed and is accordingly taken as an admission of fact.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the digital camera" in line 11. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest editing this section to read "a digital camera". Claims 5 and 9 have corresponding errors as claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-7, 9-11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP 9-149352 to Kawaoka) in view of (USPN 5,561,531 to Funazaki) in view of (Japan Electronic Industry Development Association Standard; "Digital Still Camera Image File Format Standard (Exchangeable image file format for Digital Still Camera: Exif) Version 2.1" 1998; pages 1, 3, and 8, herein JEIDA).

Examiner is utilizing USPN 5,784,149 to Kawaoka as a translation of JP 9-149352 to Kawaoka. See MPEP 901.05(III).

In regards to claim 1 Kawaoka discloses an image conversion system comprising:

a digital image generation means which reads out an image on photographic film and generates a digital image signal representing the image (e.g., column 3, lines 12-29; column 4, lines 4-16 wherein Examiner notes that digital processing is preformed on the image data, thus the image data is implicitly digital);

an image signal recording means which records the digital image signal on a recording medium which can be loaded in the digital camera (e.g., column 6, lines 25-32 wherein a memory card can be loaded in a digital camera).

Kawaoka does not disclose nor preclude that the image signal is converted into EXIF format and stored as such. Examiner notes that Kawaoka does disclose a magnetic record layer 34B at the edge of the film that records attribute data such as preferred printing attributes (e.g., column 3, lines 4-11; column 6, lines 7-19). Examiner further notes that it is extremely well known to provide attribute data of a particular shot such as photometry data, zoom data, focus data, etc. for use in future editing and filing of images as taught by Funazaki (column 4, lines 5-7, lines 25-27, lines 46-49, and lines 58-63; column 6, lines 47-67; column 7, lines 1-35). Therefore it would have been obvious to one skilled in the art at the time of the invention to have further recorded shot data in order to enable future editing and easier filling of images.

Examiner notes that the EXIF standard is a digital image standard that utilizes JPEG compression and associates attribute information to a corresponding to a JPEG image. According to the revision history of Exif Version 2.1 a Version 1.1 was published in May 1997 that added "specifications for optional attribute information" (page 3 of JEIDA; page 8 of JEIDA). Examiner notes that Kawaoka discloses to compress image data prior to recording it in column 6, lines 29-32. Therefore it would have been obvious to one of ordinary skill in the art to have utilized the EXIF standard format as disclosed by JEIDA in order to enable compression according to a standard format and association with the attribute data recorded on the magnetic record layer 34B of Kawaoka according to an international standard.

In regards to claim 2 Kawaoka discloses to utilize a CCD in column 3, lines 12-24, wherein an image signal produced from a CCD is an analog signal. Examiner notes that the claimed A/D converter is also implicit in the reference since the image data is digitally processed as discussed above.

In regards to claim 3 see Examiner's notes on the rejection of claim 1. Examiner notes that Kawaoka discloses to generate RGB image data on column 3, lines 12-24. Examiner notes

Art Unit: 2615

that although Kawaoka does not explicitly disclose a color transformation means for converting the digital image signal into an 8-bit digital image signal for the digital camera, it is well known in the art for a color transformation means to convert a digital image signal into an 8-bit digital image signal. Official notice is taken. Therefore it would have been obvious to one of ordinary skill in the art to have utilized a color transformation means for converting the digital image signal into an 8-bit digital image signal for the digital camera.

In regards to claims 5-7 see Examiner's notes on the rejection of claim 1-3.

In regards to claims 9-11 see Examiner's notes on the rejection of claim 1-3.

In regards to claims 15-17 see Examiner's notes on the rejection of claim 1, 5, and 9 respectively. Examiner notes that services such as an A/D converter, digital processing of image data, and storage in a memory card are exclusive to a digital camera.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over (JP 9-149352 to Kawaoka) in view of (USPN 5,561,531 to Funazaki) in view of (Japan Electronic Industry Development Association Standard; "Digital Still Camera Image File Format Standard (Exchangeable image file format for Digital Still Camera: Exif) Version 2.1" 1998; pages 1, 3, and 8, herein JEIDA) in view of (USPN 6,253,023 to Fukushima).

In regards to claim 14 none of Kawaoka, Funazaki, nor JEIDA disclose nor preclude a recording medium selecting means for selecting a desired recording medium from a plurality of types of recording mediums which can be loaded into a digital camera.

Fukushima discloses a recording medium selecting means (column 12, lines 55-65; column 13, lines 11-21 and 33-44; column 27, line 55 – column 28, line 17). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fukushima's recording medium selecting means since it is known in the art that various types of

Art Unit: 2615

recording medium can be loaded in a digital camera and since Kawaoka discloses that the image data can be recorded on various types of recording medium (column 6, lines 27-29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

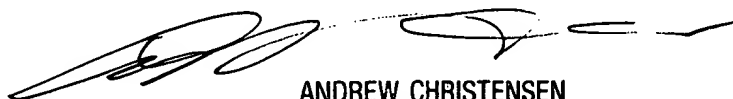
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

July 19, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600